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ABSTRACT

The legal foundation and administration of library services in the United Kingdom are reviewed in terms of legislative acts which currently affect library services directly: the Public Libraries and Museums Act of 1964 places public library services under the Secretary of State for Education as part of the reorganization of the local authority structure to produce fewer and larger authorities under the Local Government Act of 1972; a national library for the United Kingdom was established through the British Library Act of 1972; and photocopying in libraries is affected by both the Copyright Act of 1956 and the Public Lending Right Act of 1977. The latter makes statutory provision for the payment of royalties to authors. (JEG)

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THE IMPACT OF LEGISLATION UPON MANAGEMENT

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THE IMPACT OF LEGISLATION UPON MANAGEMENT

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As Librarians we seem constantly to be involved in what the economists call "decision-making in an uncertain environment". We lack information on the way our libraries are used, having little more than statistics of loans. We lack information on the level of satisfaction which our libraries achieve, having little more than specific complaints and, more rarely, thanks. And, finally, we lack information on the benefits which satisfactory use of the library will produce.

In some cases this information is merely difficult to obtain; in others it is impossible to obtain in any quantifiable form, and this applies especially to the question of the benefits which the use of libraries produces. We can say that because of libraries of different kinds there are better-informed students, engineers, gardeners, sportsmen, politicians, but we cannot identify the different effects on, for example, the performance of a student in his examinations, of a good library and of a poor library. We cannot relate the performance of a discus-thrower to the number of books on the subject which his training college library provided.

We can never completely escape from the uncertainty of our environment. But because some aspects of our activity can be more accurately measured, we can increase our fund of information; we can reduce the level of uncertainty in certain areas. One of the functions of library management is to achieve

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this object, to ensure that our decision-making is more informed. (The need for information is constant. To improve our library services we must be able to fit them ever more precisely to the needs of our users and the objectives to which those needs are directed, whether scientific, cultural, social or recreational. At times of economic recession, when resources are scarce, and management is forced to be less concerned with the improvement of services than with their very survival, we need the information to enable us to concentrate our resources on those services which are essential and cost-effective. We must be able to identify our users' needs as accurately as possible, to acquire material as precisely as possible in accordance with those needs, and to make our materials and information services available in the most efficient and economical way to satisfy those needs. Since we cannot afford to over-provide we cannot afford to make mistakes in book selection and the provision of information.

In addition to information, good library management presupposes the power to take decisions and the support to carry them out. A chief librarian must have authority delegated to him to carry out managerial functions, and he must in turn delegate certain functions to his senior staff. The ability of the library to respond to demands made upon it, to adapt to changing needs, and to anticipate technological and professional developments, depends on the authority vested in the management to take initiatives and act swiftly and efficiently. When the need arises to take such decisions it is essential that there is the financial support of the controlling body to enable them to take effect. Good management thus requires information, authority and backing.

In considering legislation, I wish first to discuss it in its strictest sense, the enactment of laws, and then in a wider interpretation of it, the activities of controlling bodies.

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In the United Kingdom, legislative acts directly affecting libraries are few in number. Those in force at present are the Public Libraries and Museums Act of 1964,[1] the part of the Local Government Act of 1972[2] concerning Libraries, the British Library Act of 1972,[3] the Copyright Act of 1956[4] and the Public Lending Right Act of 1979.[5] Though few, their scope is wide and all libraries are affected by one or more of them.

The Public Libraries and Museums Act 1964 placed the public library service for the first time under the superintendence of the Secretary of State for Education. It also -

1. created two Library Advisory Councils, one for England and one for Wales,
2. laid down what local authorities should be library authorities,
3. set a minimum population figure of 40,000 below which the Secretary of State might at his discretion rule that an authority should cease to be a library authority,
4. laid down the duties of a library authority,
5. ruled that no charges should be made for the lending of books and similar material.

A post of Library Adviser to the Secretary of State was established permanently, a second Adviser was appointed in the following year, and the team was later increased to the present four.

The Local Government Act of 1972 was concerned with the reorganisation of the local authority structure to produce fewer and larger authorities. The effect of this was to reduce the number of Library authorities in England and Wales from over 380 to under 120. This accorded with the official view of the Library Association that larger library authorities would make possible a

more efficient and better-provided public library system. The reorganisation also made possible a strengthening of the links between public libraries and educational services by placing the two under the same authorities.

The British Library Act of 1972 established a national library for the United Kingdom. This involved the amalgamation of the British Museum Library, including the National Reference Library of Science and Invention, the National Central Library, the National Lending Library for Science and Technology and the British National Bibliography. It was intended to provide national reference, lending and bibliographical services and to provide funds for approved research and development in librarianship and information science.

The Copyright Act of 1956 incorporated within its wide-ranging legislation, special exemptions for librarians, giving them authority to make copies of copyright material for research users or students under certain restricted conditions.

The Public Lending Right Act of 1979 has made statutory provision for the payment to authors on the basis of loans of their works from public libraries. The details of the scheme have not been announced yet, but it is the Government's intention that payment shall be estimated on the loans from a sample of libraries, and that such payments shall be made from central government funds and will not be a charge on libraries.

The first two acts mentioned above are clearly fundamental to the organisation of public libraries. The 1964 Act was intended to improve public library services generally and to establish minimum standards of provision. The establishment of Library Advisers and the Library Advisory Councils was intended to assist the Secretary of State in his duty of superintending and promoting the improvement of library services nationally. The Libraries Division under the Secretary of State is at present responsible for considering library policy

nationally, for financing the British Library, for the administration of the Public Libraries Act of 1964, for postgraduate awards in librarianship and for the Public Lending Right. It has been responsible for a number of publications on major library problems and for initiating and supporting major research projects.

Nevertheless many librarians have felt that the promise of the 1964 Act has not been entirely fulfilled. The improvements looked for in many authorities were slow to appear, and came eventually to be overshadowed by the impending local government reorganisation. The preparation for this dominated the two years between the 1972 Act and its implementation and Kenneth Stockham recalls how "the days were largely filled with the preparation of reports and attendance at innumerable working party meetings concerned with the future."[6] Here was a case where legislation had an unsettling effect on library management, and it is worth examining more closely.

The 1964 Act had made provision for library development and had given guidance on its direction. Librarians had a clearer idea of the governmental environment in which they were working, and, because the Secretary of State called for information from authorities, they were also acquiring statistical information to assist them in management. They were given some assurance of support from central government, and they felt more confident in setting about the improvement of their services. However, not all the reforms could be put into effect in the short term; the Secretary of State's powers to take services away from small authorities was not acted on, and was eventually over-ruled by the later reorganisation. The reorganisation itself created the considerable work which Mr. Stockham described, and at the same time created confusion and uncertainty among staff in some authorities. Information, support and a settled environment were replaced by uncertainty and a natural reluctance to

undertake any developments in services for a period.

The British Library Act of 1972 created a vast new organisation requiring a new management structure, but had to do it, not de novo, but by the amalgamation of existing organisations with their own very different management structures. The rich collections and established services which the new body inherited from its older elements, brought with them as rich a variety of staff relationships, established organisational systems and attitudes to management based on institutional traditions. Only those involved in the reorganisation can appreciate the difficulties which had to be overcome, and the success achieved in creating one institution out of a number. The foundations for this were laid by an Organising Committee under the chairmanship of a Minister, which began its work in 1971 as a result of the Government White Paper (Cmnd 4572, London, HMSO, 1971) and preparatory to the passing of the Act. This body considered buildings, staff, finance, management structure and new library techniques. In the words of Sir Harry Hookway, "the creation of the Organising Committtee was undoubtedly a major factor in maintaining an unprecedented pace of development for such a complex undertaking. The Committee started its work in 1971; by July 1972 the British Library Act had become law, the Bill receiving a welcome in both Houses of Parliament; and then in April 1973 the British Library Board was set up, followed by the progressive transfer of staff, functions and collections to form the British Library from 1 July onwards, the process being completed in August 1974."[7]

The speed with which this complex operation was carried out reflects great credit on those involved. At the same time it may also be that the circumstances were favourable, and may throw light on an aspect of the relationship between legislation and management. The Organising Committee had a Minister as its Chairman; members of the Board are appointed by the

Secretary of State for Education. The chain of communication was strong, and it was also short. Decision-makers were close to policy-makers.

The Copyright Act of 1956 is a familiar part of the background of present-day librarians. We are all aware of the special position in which we stand, being permitted to make copies for other individuals and for other libraries; we can recite the "fair dealing" provisions and can explain and even justify the restrictions which apply to large-scale and multiple copying, though we have to admit that there are inconsistencies. We have established procedures by which we can conform with the law and ensure that our users can have reasonable facilities for obtaining single copies of periodical articles and extracts from books. But with the advent of cheap photocopiers and widespread "self-service" facilities, has come the decision to create new legislation to ensure tighter control. The Whitford Committee proposed a form of blanket licensing based on the possession of photocopying apparatus. While we do not know the details of whatever legislation may emerge from any alternatives which are being considered, it is likely that if we are to maintain the present access to photocopying which is clearly essential for educational and research purposes, we shall have to pay dearly for the privilege. And if, because of difficult financial circumstances, we cannot pay, then we in turn will have to place restrictions on the use of a facility which has come to be an integral part of library services. We can of course pass on the cost to our users but in the field of research it is the institutions themselves which must finance essential photocopying if they expect their staff to carry out research. I shall return to the management effects of financial constraints later.

Little can be said about the effects of the Public Lending Right Act on the management of libraries, since the details are not yet available. Both the Library Association and SCONUL have consistently stated their opposition to

PLR both in its practical aspects and in the principle itself. But parliamentary opinion, if it could not be described as wild enthusiasm, or even interest, was inclined enough towards what it was persuaded to see as justice for authors, to secure the passage of the Bill. What librarians may have achieved by a steady rearguard action, is the assurance that payment to authors will not come from funds destined for libraries, but from central government funds. But there can be no guarantee that in the future, once PLR is firmly established, scarce financial resources needed by libraries and similar key institutions will not be diverted to pay to authors money which, if it is deserved, their publishers should be paying them.

I want to turn now from legislation in the strict sense to consider what earlier in this paper I called the activities of controlling bodies. There are many libraries whose actions are not so closely controlled by the enactment of laws, but which operate under regulations and constraints and are supported by institutions to the extent that their control has an effect similar to that of legislation. They may not be bound by law to act in certain ways, but they are bound by their constitution. Similarly, they are not empowered by law, but they are authorised by their governing body. The effect of this kind of control may have something to tell us about the effect of legislation.

I will take as an example the environment with which I am most familiar, the university library. The university librarian is responsible to the university for the provision of a service for members of the university. The library is a service department of the university, and its activities are controlled by the university, represented by the person of the Vice-Chancellor, or Principal or President, or by Senate or Council or Court, and sometimes through a Library Committee which may have executive powers or may be advisory - advisory to the university or to the librarian. There is no standardised form of relationship between the librarian and the university he serves, except

in so far as he is an employee. Each university sets up its own form of supervision, because each university is an autonomous institution.

However, autonomous British universities receive the bulk of their income from the University Grants Committee, an independent body which in turn receives a grant for universities from the Department of Education and Science. This Committee under the full-time chairmanship of a distinguished academic, consists of part-time members largely drawn from universities. Its function is to distribute the funds made available for universities, as fairly as possible among the sixty or so universities in the Kingdom. The funds are distributed specifically to allow universities to carry out their teaching and research functions. In this way the University Grants Committee, and through it the Department of Education and Science, are able to exert control over autonomous institutions. The UGC does not tell a university to do certain things and avoid doing other things, but in giving an annual grant it makes it clear that the money will enable the university to do certain things of which the UGC approves rather than doing things of which it does not approve. A university may say that it intends to set up a department of cryogenics and requests extra money to acquire accommodation and equipment and to appoint staff. If the

University Grants Committee does not consider the proposal justified it will not say that the university is not allowed to set up the new department. It will say that in estimating the size of its grant it has not included any money for the setting up of the new department. It cannot be denied that financial control is effective control. The university is not prevented from carrying out its proposal, but it is simply being prevented from spending additional public money on the project. It has other alternatives; to obtain funds from a private source, or to use part of the UGC grant for this purpose rather than for the purposes for which it was given. And since grants are carefully worked out this would mean neglecting an existing part of the university's activities, an unpromising alternative.

I have laboured this point to illustrate how a large measure of independence can be allowed to institutions while retaining a large measure of control. As far as the library is concerned a university is free to neglect or favour its library, and this puts a responsibility on the university librarian to secure for the library the funds which it requires to carry out its function. Any struggle which this entails will be an internal one. The UGC may make an observation on a university's treatment of its library but it will not act. And any outside body, while it may influence, could not compel a university to increase or decrease its library grant. University librarians are content with this situation. They regard themselves as members of their university, and rely on the "enlightened self-interest" of their academic colleagues to support their aim to ensure a library service appropriate to the work of the university. This suggests an important principle, that where the control of library funds is in the hands of those who stand to gain by an effective service, the library is in a strong position, as long as its needs are argued convincingly to the controllers. It is a further illustration of the advantage of a strong and short chain of communication, as shown in the formation of the

British Library.

A section of university finance which is not provided as part of general funds is that related to buildings. Capital expenditure of this kind is allocated specifically to a university to enable it to erect a specific building. But, just as in the case of general funds, the witholding of funds for a requested building would not prevent the university from financing the building from other sources. A university still has its alternatives, except that it cannot use its annual revenue for large-scale building purposes.

This is a very effective form of control since buildings are a major item of expenditure. And libraries have been more affected by the problems of lack of capital to finance building than any other university department. It was because of wholly inadequate capital to finance even a fraction of the new libraries that were claimed by universities, that the UGC set up the Atkinson Working Party to devise a way of avoiding the large-scale building of main libraries, without seriously affecting the ability of libraries to carry out their function. The concept of the "self-renewing library", which the working party developed as the basis of their recommendations, has been widely discussed since it was adopted by the UGC as its policy.

Quite apart from the possible effects of the policy, the procedure for its adoption is interesting as an example of the effects of quasi-legislation. It was thought that the Atkinson Working Party would produce a consultative document (what the government calls a "Green Paper"). Had it done the acrimony which was produced at the time would have been much less. Academics and librarians would have engaged in argument rather than recrimination. The UGC's view was that the situation was so serious that it had to adopt a policy on the basis of which it could distribute the extremely small amount of capital that was available for building. But in fact the funds available were not sufficient even for the building of those libraries which, according to the

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new, more restrictive, norms of the Atkinson Report, justified new accommodation. In other words, the Report could be used only as an indicator of which libraries were in greatest need. And this would have been available to the UGC even if the report had been a consultative document. The UGC promised to review the situation after two or three years, and it set up a Steering Group on Library Research to seek ways of obtaining more information on relevant library operations, on the basis of which a satisfactory long-term policy might be achieved. In my opinion, the lesson which this incident demonstrates is that when a controlling and policy-making body is contemplating a radically new policy, it is imperative that it consult as widely as possible among those involved. If the situation is critical, and urgent action is required, then short-term measures, clearly based on expediency, must be adopted and explained to those affected, while in the meantime the long-term proposals are under discussion. It would not then have to adopt hastily a long-term policy, of the effects of which it was not itself sure, and to have to defend that policy as a matter of principle, rather than as a standpoint in discussion.

Let me now attempt to bring together the strands of example and discussion scattered through this paper, and summarise the relationship between legislation and policy-making on the one hand and the management of libraries on the other.

At the outset it must be said that wise and informed legislation concerning a national library system is a considerable force for good. It will lay down standards of service to which libraries under its control should conform, it will empower libraries to improve their services and it will give financial support for this and for their rationalisation within the national framework. It will give tangible encouragement to independent libraries to co-operate for the national good. But wide-ranging, complex legislation affecting many libraries in a country, will, if the fullest consultation is not practised, fail to take into account the differing library systems and local and special

circumstances. And if the fullest consultation is practised the mechanism of legislation is slowed down. And the more wide-ranging the legislation, the longer the period of implementation, and the more unsettling and confusing life will be for those responsible for the management of the libraries involved. The contrast between the creation of the British Library and the organisation of local government, illustrates this point. The closer legislation is to library management the more informed it will be and the speedier its implementation will be.

Bearing in mind the importance of consultation to informed legislation and policy-making, the need is evident for constant dialogue between policy-makers, whether at national or regional level, and librarians. Have we as librarians been too modest in the past to see that Government is aware of our objectives and our needs? However autonomous we or our institutions are, the majority of us are supported from public funds, and these are controlled by government, nationally or locally. We are therefore subject to controls even if they are only financial and it is up to us to ensure that those exercising control are aware of the effects on management of their actions. But at a time of very serious financial difficulty we must do this in a spirit of co-operation and not of resistance. Our aim is to provide the best library service for the funds which can be made available. We may argue for a larger share of those funds but we must accept that there is an overall limit.

The closer and more continuous the dialogue between policy-makers and library managers the easier and shorter the preparatory period for legislation will be. But there will always remain the difficult conflict between the scope of legislation and its efficient implementation. If this is a problem at national level then it is an even greater one when considering international policy-making for libraries. The wider our aims the more careful we must be to consult on a vast scale and the more patient we must be in order to reach the successful and effective achievement of our common objectives.

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